



Heath Mount School

Parental Complaints Policy and Procedures

Heath Mount School, Hertfordshire

Independent Co-Educational Day and Boarding School

September 2024

1 **Aims**

This is the complaints policy of Heath Mount School (**School**).

The aims of this policy and related procedures are to provide a framework for the resolution of complaints which:

- allows for their resolution informally and sets out the School's formal procedures where this is not achievable;
- is easily accessible and publicised, simple to understand and use and impartial and non-adversarial;
- enables a full and fair investigation where appropriate;
- respects people's desire for confidentiality;
- addresses all the points at issue and provides an effective response and appropriate redress, where necessary;
- provides information to the School's senior leadership / management team so that services can be improved; and
- helps to create a culture of safety, equality and protection.

2 **Scope and application**

This policy applies to the whole School including the Early Years Foundation Stage (**EYFS**).

This policy applies only to complaints by parents. The School has separate grievance and whistleblowing policies to cover concerns that a member of staff may have. See paragraph 8.2 below, for complaints from pupils.

This policy applies to any expression of dissatisfaction however made about actions taken, or a lack of action, by the School where a parent seeks action by the School.

This policy does not apply to exclusions, to which the School's Expulsion, Removal and Review policy applies.

This policy applies to complaints from each of the following:

- a parent or parents of current pupils;
- a parent or parents of former pupils if the complaint was initially raised when the pupil was registered at the School;
- a parent or parents of prospective pupils.

The School will not normally investigate anonymous complaints (except for Child Protection matters) and therefore these procedures do not provide for a resolution of anonymous complaints.

If appropriate, the School will acknowledge that a complaint is upheld, wholly or in part. In addition, it may offer:

- an explanation;
- an admission that it could have been handled differently or better;

- an assurance that the School will try to ensure that the event complained of will not happen again and an explanation of the steps taken in this respect;
- an undertaking to review policies and / or procedures;
- an apology.

Requests for financial awards, such as claims for compensation, damages or fee refunds, are beyond the scope of the School's complaints procedures.

All parents should be aware that regardless of the nature of a complaint and whether it is upheld, parents are not entitled to details of any related sanctions imposed on staff, pupils or parents for reasons of data protection and confidentiality.

There may be occasions when it is necessary or reasonable to deviate from this complaints procedure if this is reasonable and justified. Complainants will be notified of the changes.

The School encourages anyone with any concerns about the School's operation to raise them with the School. They are asked to do so by writing to the Head or Chair of Governors, setting out their concerns and the action sought.

3 **Time scales**

The School aims to resolve all complaints efficiently and promptly and parents are encouraged to bring any matter causing concern to the School's attention as soon as possible. Whenever possible, a complaint should be raised within three months of the incident, or where a series of associated incidents have occurred, within three months of the last of these incidents. The School will however consider complaints made outside of this time frame if exceptional circumstances apply. A complaint raised outside this timescale should therefore include details of the issues which led to the delay.

Timescales for each stage of the School's complaints procedure are set out below. It is expected that the management of every complaint will progress in a timely manner. Where there are exceptional circumstances resulting in a delay to the timescales for a stage of the complaints procedure (such as other bodies investigating aspects of the complaint), the School will notify the parent and inform them of the new timescales as soon as possible.

Complaints which are raised in the school holidays will usually be deemed to have been received on the first working day after receipt.

If a parent commences legal action against the School in relation to their complaint, the Head or Chair of Governors will consider whether to suspend the complaints procedure until those proceedings have been concluded.

4 **Regulatory framework**

This policy has been prepared to meet the School's responsibilities under:

- Education (Independent School Standards) Regulations 2014 (**ISSR**);
- *Boarding schools: national minimum standards* (Department for Education (**DfE**), September 2022);
- *Statutory framework for the Early Years Foundation Stage* (DfE, January 2024);

- Education and Skills Act 2008;
- Children Act 1989;
- Childcare Act 2006;
- Data Protection Act 2018 and General Data Protection Regulation (**GDPR**); and
- Equality Act 2010 (Amendment) Regulations 2023

The Parent Contract will be relevant to the operation of this policy. Dependent upon the nature of the complaint, other school policies, procedures and resource materials may be relevant and of assistance.

5 **Responsibility statement and allocation of tasks**

The Board of Governors have overall responsibility for all matters which are the subject of this policy.

To ensure the efficient discharge of its responsibilities under this policy, the Proprietor has allocated the following tasks:

Task	Allocated to	When / frequency of review
Keeping the policy up to date and compliant with the law and best practice	Compliance Manager	As required, and at least annually
Monitoring the implementation of the policy	Headmaster	As required, and at least termly
Maintaining up to date records of all information created in relation to the policy and its implementation as required by the GDPR and the ISSR	Headmaster	As required, and at least termly
Seeking input from interested groups (such as pupils, staff, Parents) to consider improvements to the School's processes under the policy	Headmaster	As required, and at least annually
Formal review of complaints and implementation of any recommendation to identify trends and recommend further improvement to policies and procedures	Headmaster and Governors	Annually

6 **Publication and availability**

This policy is published on the School website.

This policy and all other policies referred to are available in hard copy on request.

A copy of the policy is available for inspection from the School office during a working day.

This policy can be made available in large print or other accessible format if required and the School will make other reasonable adjustments required to enable complainants to access and complete this procedure, such as holding meetings in accessible locations.

Information regarding the number of complaints registered under the formal procedure of this policy during the preceding school year is available to parents of pupils and parents of prospective pupils and, on request, to the Chief Inspector, the Secretary of State or an independent inspectorate. The School makes this available on the school website.

7 **Definitions and interpretation**

Where the following words or phrases are used in this policy:

- References to a **Parent**, in relation to a child or young person, includes any person who is not a parent but who has parental responsibility, or who has care of a pupil.
- References to **Governors** are references to the board of Governors.
- References to **working days** mean Monday to Friday when the School is open during term time. The dates of terms are published on the School's website. If the application of this definition is likely to introduce excessive delays, due to intervening School holidays, the School's approach is to take sensible and reasonable steps to minimise any hardship or unfairness arising from such delays.

8 **Management of complaints**

The School's policy allows for complaints to be considered at three stages:

Stage 1: Informal raising of a complaint. Further details of this procedure are set out in Appendix 1.

Stage 2: A formal complaint in writing. Further details of this procedure are set out in Appendix 2.

Stage 3: Reference to a complaints panel. Further details of this procedure are set out in Appendix 3.

Separate procedures apply if:

- the Head permanently excludes or requires the removal of a pupil from the School and the parents seek a review of that decision. See the School's Expulsion, Removal and Review Policy; or
- To complaints by pupils. These are handled by Form Tutors or Heads of Year in the first instance. For complaints from boarders, please refer to the Boarding

Policy and Statement, The Boys' Boarding Handbook and the Girls' Boarding Handbook.

- Parents requiring assistance with making a complaint at any stage of the procedure (for example, because of a disability) should contact Head.PA@heathmount.org. If the Head's PA is unavailable or is the subject of the complaint, please contact MorterC@heathmount.org, our HR Officer.

9 Expected standards of behaviour

While the School will not normally limit the contact complainants have with the School, attention is drawn to the information included in Appendix 4 which is drawn from:

- the Department for [Best practice guidance for school complaints procedures 2020 - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/publications/best-practice-guidance-for-school-complaints-procedures-2020) and
- the Department for Education guidance *Controlling access to school premises 2018*.

10 Record keeping and confidentiality

All records created in accordance with this policy are managed in accordance with the School's policies that apply to the retention and destruction of records.

The School keeps a written record of all formal complaints, including the following:

- whether they were resolved at Stage 2 or Stage 3;
- the action taken by the School as a result of the complaints (regardless of whether they are upheld);
- whether the complaint relates to the School's boarding provision.

A record of complaints in EYFS is available to Ofsted if requested.

Records of any complaints relating to the School's boarding provision are recorded separately.

The records created in accordance with this policy may contain personal data. The School's use of this personal data will be in accordance with data protection law. The School's Parent Privacy Notice explains how it will use personal data about pupils and parents and is published on the School's website. Additionally, staff must ensure that they follow the School's data protection policy and procedures when handling personal data in connection with this policy.

School staff will ensure that they follow the School's data protection policies and procedures when handling personal data created in connection with this policy. This includes the School's Data Protection Policy and 'how we use your information' Privacy Notice for parents' procedure.

In accordance with data protection principles, details of individual complaints will be kept only for as long as is reasonably necessary in the circumstances. Correspondence, statements and records relating to individual complaints will be kept confidential except where access is requested by the Secretary of State or where disclosure is required in the course of an inspection or under other legal authority or court order.

Governors are presented with a redacted overview of all concerns and complaints at Full Board Meetings so that they have oversight and can discuss patterns and concerns.

11 **Complaints to Ofsted and the Independent Schools Inspectorate**

Parents of children in the School's Early Years Foundation Stage have the right to contact Ofsted and / or ISI if they believe the School is not meeting the EYFS requirements.

Ofsted can be contacted on 0300 123 4666 or at enquiries@ofsted.gov.uk.

ISI can be contacted at concerns@isi.net or on 020 7600 0100.

12 **Training**

The School ensures that regular guidance and training is arranged on induction and at regular intervals thereafter so that staff and volunteers understand what is expected of them by this policy and have the necessary knowledge and skills to carry out their roles.

The level and frequency of training depends on the role of the individual member of staff.

The School maintains written records of all staff training.

Monitoring and Review

Governors' Committee Reviewing	Education Committee
Date of adoption of this policy	September 2024
Date for next review of this policy	September 2026
Person responsible for implementation and monitoring	Headmaster

Appendix 1 Stage 1: informal complaint

1 Informal resolution of a complaint

We hope and expect that most concerns can be resolved informally without the need to use the formal stages of the complaints procedure. For example, dissatisfaction about some aspect of teaching or pastoral care or a billing error should be able to be resolved by the relevant member of staff.

2 Who to contact

Where appropriate, complaints should initially be raised as follows:

- **educational issues:** if the matter relates to the classroom, the curriculum or special educational needs, please speak or write initially to the pupil's form tutor. Your complaint may be passed to a more senior member of staff if appropriate;
- **pastoral care:** for complaints relating to matters outside the classroom, please speak or write to the form tutor or Head of Year;
- **staff issues:** for complaints relating to members of staff, please speak or write to the Head of Pre-Prep or the Headmaster, as appropriate.
- **disciplinary matters:** a problem over any disciplinary action taken or a sanction imposed should be raised first with the member of staff who imposed it / the Head of Year;
- **financial matters:** a query relating to fees or extras should be addressed in writing to the Bursar.

The complaint may be passed to a more senior member of staff if appropriate.

An informal complaint will be acknowledged by telephone, email or letter within three working days of receipt, indicating the action that is being taken and the likely timescales. Such action may include an investigation and / or a meeting with the parent.

Wherever appropriate, the School will ask the parent at the earliest stage what they think might resolve the issue.

The parent will usually receive a response to the complaint within 15 working days.

If the parent is dissatisfied with the response to the informal complaint or in the event that the complaint cannot be resolved by informal means, the parent may make a formal complaint, usually within 15 working days, under Stage 2 of this procedure as set out in Appendix 2.

3 Complaints about the Head

The procedure for dealing with an informal complaint about the Head of the School is set out below:

- Parents can choose to raise complaints directly with the Head if they feel that the matter is capable of being raised informally. If in writing, the School will not automatically treat the complaint as a formal (Stage 2) complaint and the Head will endeavour to resolve the complaint informally under the Stage 1 process.

- The Head will acknowledge informal complaints within 3 working days and will seek to resolve the matter under the Stage 1 process by having a direct conversation or a meeting with the parents. This will be held within 15 working days of the initial complaint.
- If the parent is dissatisfied with the Head's response to the informal complaint or the complaint cannot be resolved by informal means, the parents may make a complaint under the Stage 2 process as set out in Appendix 2.
- Alternatively, parents can choose to raise a complaint about the Head in writing in accordance with the Stage 2 process set out in Appendix 2.

4 Complaints about the Chair of Governors

A complaint about any individual governor or the whole governing body should be addressed to the Clerk to the Governors via the School office. Please mark them as Private and Confidential.

Appendix 2 Stage 2: formal complaint

1 How to make a formal complaint

Complaints will usually only progress to Stage 2 after first being considered at the informal stage and only then if the parent indicates that they intend to escalate a matter to the formal stage.

The formal complaint should be in writing addressed to the Head of the School usually within 15 working days from receipt of the response to their complaint and should include:

- The complainant's name and full contact details;
- details of the complaint and who it has previously been raised with;
- a copy of any relevant documents;
- and the outcome desired.

The complaint will be acknowledged within three working days, indicating the action that is being taken and the likely timescales.

2 Investigation

The subject matter of the complaint will be investigated in the most appropriate manner, which may include some or all of the following steps:

- delegation of the investigation to a senior member of staff or third party;
- involvement of one or more Governors in cases regarding the Headmaster;
- request for additional information from the parent, including what they think might resolve the issue (if not already requested under Stage 1); and
- request for a conversation and / or a meeting with the parent personally and / or others with relevant knowledge of the circumstances to define the scope of the complaint and or assist in the investigation.

Written records will be kept of all meetings and interviews held in relation to the complaint. Where the investigation is conducted by someone else, they will prepare a report on the investigation which will usually then be considered by the Head. Personal data may be redacted, and names anonymised or cyphered in line with data protection principles.

3 Decision

The parent will be notified by email or letter of the Stage 2 decision and the reasons for it, usually within 28 working days from receipt of the formal complaint.

If the parent is dissatisfied with the Stage 2 response to the complaint, the parent can request that the complaint be referred to a complaints panel under Stage 3, using the procedure set out in Appendix 3. This should usually be done within 15 working days of receipt of the Stage 2 decision.

Early Years Foundation Stage (**EYFS**): Parents of pupils in the EYFS setting will be notified of the outcome of the investigation within 28 calendar days of the initial written complaint being received.

4 Complaints about the Head

The procedure for dealing with a formal complaint about the Head is set out below:

- The complaint should be put in writing to the Chair of Governors (via the Clerk to the Governors). The complaint should include the same information referred to above.
- The Chair of Governors (via the Clerk to the Governors) will acknowledge the complaint within three working days of receipt and indicate the action that is being taken and the likely timescale. Such action may include an investigation and/or a meeting with the parent. The parent will usually receive a response to the complaint within 28 working days.
- If the parent is dissatisfied with the response to the complaint, the parent can request that the complaint be referred to a complaints panel under Stage 3, using the procedure set out in Appendix 3. This should usually be done within 15 working days of receipt of the decision from the Chair of Governors.

Appendix 3 Stage 3: complaints panel

1 Complaints panel hearing

If a parent is dissatisfied with the Stage 2 response to the complaint, they can request a complaints panel hearing.

A Complaints Panel Hearing (**Hearing**) is a Hearing to review those elements of the decision made at Stage 2 about which the parent remains dissatisfied. The Complaints Panel (**Panel**) is not obliged to consider any new complaints at this stage.

2 How to request a Hearing

A request for a Hearing must be put in writing to the Clerk to the Governors and will usually only be considered if the procedure at Stage 2 has been completed.

The written request should usually be made within 15 working days from receipt of the Stage 2 decision and should include:

- the complainant's name and full contact details;
- details of those aspects of the complaint about which the parent remains dissatisfied;
- copies of any relevant documents which the parent would like the panel to consider;
- a list of the documents which parents believe to be in the School's possession and wish the Panel to consider;
- the outcome desired;
- whether the parent wishes to attend the hearing and if so, whether they propose to be accompanied.

If assistance with the request is required, for example because of a disability, please inform the Clerk to the Governors who will be happy to make appropriate arrangements.

The Clerk to the Governors will acknowledge the request for a Hearing in writing within three working days of receipt.

Every effort will be made to enable the Hearing to take place within 20 working days of receipt of the request.

Parents may withdraw their request for a Hearing at any point up to and including the intended date of the Hearing.

3 Planning the Hearing

The Clerk to the Governors will send written notification to each party of the date, time and place of the Hearing at least ten working days before the date of the Hearing.

Copies of any documents (additional to those noted above) that the parent wishes the complaints panel to consider should be sent to the Clerk to the Governors to be received at least seven working days prior to the Hearing.

The Clerk to the Governors will circulate a copy of the bundle of documents to be considered by the complaints panel to all parties at least three working days prior to the Hearing.

The parent may be accompanied at the Hearing, for example by a relative or friend. The Hearing is an internal proceeding, not legal proceedings, and legal representation is unnecessary and not normally appropriate. The Clerk to the Governors must be given 5 working days' notice if parents wish to be accompanied by a legally qualified person.

The parent should note that the complaints panel will wish to speak to him / her directly. If they are accompanied by a legally qualified person, that person will not be permitted to act as an advocate or to address the Hearing unless invited to do so by the Chair of the complaints panel.

A person will be appointed to take a minute of the Hearing.

4 Composition of the complaints panel

The Panel will comprise at least three individuals who have no detailed prior knowledge of the circumstances of the complaint, including at least one panel member who is independent of the management and running of the School.

The parent may ask the Clerk to the Governors to inform them who has been appointed to sit on the complaints panel ahead of the Hearing. Fair consideration will be given to any reasonable objection to a particular member of the panel.

The Chair of the Governors will usually appoint one of the panel members to be the Chair of the panel throughout the proceedings.

5 Role of the complaints panel

The role of the complaints panel is to establish the facts surrounding the complaints that remain in issue by considering:

- the documents provided by both parties; and
- any representations made by the parties;
- to review the decision reached at Stage 2, and to consider on the balance of probabilities, whether to uphold each complaint.

6 The Hearing

Unless prior to the commencement of the Hearing, a parent confirms that they are satisfied with the outcome of their complaint, the Hearing will proceed notwithstanding that the parent may decide not to attend. In these circumstances, the complaints panel will consider the parent's complaint in his / her absence and issue findings on the substance of the complaint.

The panel will usually hear representations from the Stage 2 decision-maker and the parent(s).

The Hearing is not a legal proceeding, and the Panel shall be under no obligation to hear oral evidence from witnesses to the issues complained of but may do so and / or may take written statements into account.

All statements made at the Hearing will be unsworn. The parties will be entitled to write their own notes for reference purposes.

All those present are expected to show courtesy, restraint and good manners. If they fail to do so and after due warning, the Hearing may be adjourned or terminated at the discretion of the Chair. Any person who is dissatisfied with any aspect of the way the Hearing is conducted must say so before the proceedings go any further and his / her comment will be minuted.

The Chair may, at his / her discretion, otherwise adjourn the Hearing if he / she considers it appropriate to do so. This may include an adjournment for welfare reasons, to enable additional information to be obtained and/or considered or for the parties to take legal advice on a specific issue arising.

When the Chair of the panel is satisfied that sufficient consideration has been given to the documentation provided and any representations made by the parties, he / she will conclude the Hearing.

A Hearing before the complaints panel is a private proceeding. No notes or other records or oral statements relating to the complaint, or any matter discussed in or arising from the proceeding shall be published or otherwise made available directly or indirectly to the press or other media.

7 Decision

The complaints panel will make findings about each complaint on the balance of probabilities and may make recommendations to the School.

It is not within the powers of the complaints panel to make any financial award, nor to impose sanctions on staff, pupils or parents, although the Panel may make recommendations.

The Panel's findings and any recommendations will be provided in writing to the parents and, where relevant, the person complained about, within five working days of the Hearing.

8 Next steps

The decision of the Panel is final. There will be no further opportunity within the School for consideration of the complaint. The completion of Stage 3 represents the conclusion of the School's complaints procedure.

The School will ensure that the Panel's decision is recorded appropriately and that any recommendations are properly considered and actioned as appropriate.

The Panel's findings and any recommendations, including any actions taken to implement them will also be available for inspection on the School premises by the Governors and the Head.

Appendix 4 Unreasonable complaints

The School is committed to dealing with all complaints fairly and impartially, and to providing a high-quality service to those who complain. The School will not normally limit the contact complainants have with it. However, it does not expect its staff to tolerate unacceptable behaviour and will take action to protect staff from that behaviour, including that which is abusive, offensive or threatening.

Unreasonable complaints are taken seriously by the School as they put a strain on valuable resources and hinder the progress of proper investigations.

The School adopts the Department for Education's definition of unreasonable behaviour as that which hinders its consideration of complaints because of the frequency or nature of the complainant's contact with the School, such as if the complainant:

- refuses to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance;
- refuses to co-operate with the complaint's investigation process whilst still wishing their complaint to be resolved;
- refuses to accept that certain issues are not within the scope of a complaints procedure;
- insists on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice;
- introduces trivial or irrelevant information which the complainant expects to be taken into account and commented on, or raises large numbers of detailed but unimportant questions, and insists they are fully answered, often immediately and to their own timescales;
- makes unjustified complaints about staff who are trying to deal with the issues, and seeks to have them replaced;
- changes the basis of the complaint as the investigation proceeds;
- repeatedly makes the same complaint (despite previous investigations or responses concluding that the complaint is groundless or has been addressed);
- refuses to accept the findings of the investigation into that complaint where the School's complaints procedure has been fully and properly implemented and completed;
- seeks an unrealistic outcome;
- makes excessive demands on school time by frequent, lengthy and complicated contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with;
- uses threats to intimidate;
- uses abusive, offensive or discriminatory language or violence;
- knowingly provides falsified information;
- publishes unacceptable information on social media or other public forums.

A complaint may also be considered unreasonable if it is manifestly unjustified, inappropriate, or an improper use of formal procedure.

In assessing this, the School shall have regard to all the circumstances of the case and the nature of the complaint itself rather than the nature of the complainant. In assessing all the circumstances of the case, the School will consider a range of factors including:

- whether a complaint has reasonable foundation;
- the history and context of the complaint (and any evidence where relevant);
- whether the time and cost of investigating the complaint is proportionate to the issue(s) complained of;
- whether an investigation of the complaint is likely to cause a disproportionate or unjustified level of disruption, irritation or distress;
- unexplained delay in raising a complaint or issue;
- if the purpose of the complaint is to obtain an outcome which is unavailable via the complaint's procedure, such as a claim for compensation, damages or a refund of fees paid;
- any evidence of a complaint being brought for an improper purpose.

Whenever possible, the Head and / or Chair of Governors will discuss any concerns with the complainant informally before dismissing a complaint as unreasonable.

If the behaviour continues, the School will write to the complainant explaining that their behaviour is unreasonable and ask them to change it.

For complainants who excessively contact the School causing a significant level of disruption, the School may specify methods of communication and limit number of contacts in a communication plan. This will be reviewed after six months.

In response to any serious incident of aggression or violence, the School will immediately inform the police and communicate its actions in writing. This may include barring an individual from the School.

It is open to a complainant to request that a Panel be convened to determine the single issue of whether the School's dismissal of the complainant's original complaint(s) was justified.